

REMARKS

In the Office Action, claims 1, 3-21 and 23-72 were rejected. All claims are believed to be patentable over the prior art of record for the reasons summarized below. Their reconsideration and allowance are requested.

All of the rejections formulated in the previous Office Action were withdrawn in the present Office Action, and new grounds for rejection were formulated under 35 U.S.C. § 103(a) in view of a combination of U.S. Patent No. 6,130,929 (Saha) in view of U.S. Patent No. 6,272,230 (Hiraoglu), with dependent claims being rejected in view of these references and additional secondary references. Applicants note, however, that all of the independent claims 1, 21, 41, 48, 58 and 68 were rejected only in view of the Saha and Hiraoglu combination. All of the independent claims recite, in generally similar language, that conveyed articles to be scanned are moved ***through the recited stationary source computed tomography scanner***. Moreover, the claims all similarly recite that a three-dimensional reconstruction is obtained without rotating the articles. The prior art combination of Saha and Hiraoglu cannot render the claims obvious at least in view of the fact that articles that would be scanned in a resulting system could not possibly move through the scanner as required by the claims.

Applicants first note that the Saha reference describes a system that is configured, for the present purposes, essentially identically to that described in the Boyd reference (U.S. Patent No. 4,736,396) cited in the previous Office Action. That is, the computed tomography system described by Saha makes use of an electron beam that originates in a vacuum housing chamber 10 and that is directed toward a circular target 14. The electron beam can be rotated to produce a rotating fan of X-rays 18. While the source does not move in Saha, it must also be observed that, like the Boyd reference discussed in response to the previous Office Action, an article *cannot move through the scanner*. That is, because the electron beam is positioned directly on the axis of the scanner itself (*see*, axis

32 in FIG. 2A), an article to be scanned cannot be transported through the scanner as required by the claims.

Applicants submit that, like the Boyd reference discussed in the response to the previous Office Action, the Saha reference is simply not combinable with the disclosure of Hiraoglu. That is, Hiraoglu teaches a rotational computed tomography system because parcels are intended to be transported through the scanner. Replacing that scanner with the scanner of Saha would render the device inoperative inasmuch as a conveyor could not possibly move articles through the Saha scanner due to the presence of the radiation source along the scanner axis 32.

Applicants submit that the combination of Saha and Hiraoglu has no better likelihood of success than the combination of Boyd and Hiraoglu previously advanced by the Examiner. Indeed, comments made in support of the claims in the previous Office Action response are herein incorporated by reference to the extent they are relevant. Because the references cannot be combined to arrive at an operative system or method that reads on every element of the pending independent claims, the Examiner has yet to establish a *prima facie* case of obviousness.

Applicants further note that the secondary references relied upon by the Examiner do nothing to obviate the deficiencies of the primary references in regards to the features recited in the independent claims. In particular, the references do not teach any solution that would allow Hiraoglu and Saha to be combined such that articles to be scanned for explosives can be moved through a stationary source computed tomography system. Accordingly, the various dependent claims are also believed to be clearly patentable over the cited references.

In view of the shortcomings of the combination of Saha and Hiraoglu, as well as the shortcomings of their combination with the secondary references, Applicants respectfully submit that a *prima facie* case of obviousness has not been established, and request reconsideration and allowance of all pending claims.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: December 28, 2007

/Patrick S. Yoder/
Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545